

FILED

SEPTEMBER 13, 1984

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

LEFKOWITZ, ROCKOFF & ZUBLATT

A PROFESSIONAL CORPORATION

1500 FINNEGANS LANE

NORTH BRUNSWICK, NEW JERSEY 08902

(201) 246-3333

ATTORNEYS FOR Arlene Phillips, P.C.

IN THE MATTER OF AN INQUIRY INTO
ADVERTISING PRACTICES OF

ARLENE PHILLIPS, D.C.
LICENSE NO. 2170

LICENSED TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

STATE OF NEW JERSEY
DEPARTMENT OF LAW &
PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

Docket No.

ADMINISTRATIVE ACTION
CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners on inquiry into advertising practices of Arlene Phillips, license number 2170, practicing as "Union County Chiropractic and Rehabilitation Center" at 230 W. Jersey Street, Suite 306, Elizabeth, New Jersey. Dr. Phillips is presently represented by Lefkowitz, Rockoff & Zublatt, P.A., 1500 Finnegans Lane, North Brunswick, New Jersey 08902.

It appears that Dr. Phillips has issued several advertisements including one which states that "everyone can have treatment",

suggests that treatment can cost "practically nothing" if one has qualifying health insurance, asserts that "Auto accidents pay 100%, Workman's Compensation pays 100%", etc. and uses the word "danger" in conjunction with signals the Center may be able to help. The Board of Medical Examiners objects to these clauses and the word "danger" in the clause "danger signals".

A second advertisement no longer states that "auto accidents pay 100%, workman's compensation pays 100%, etc., but states that "Most insurances cover chiropractic care." The second advertisement continues the use of the word "Danger" in the clause "Possible Danger Signals of Pinched Nerves". This ad further asserts that "thousands of area residents have spine related problems which usually respond to chiropractic care" and offers a "\$5.00 examination".

A third advertisement is largely a duplication of the second advertisement referred to above, except to the extent that it replaces the offer of a \$5.00 examination to the offer of a "small fee" and deletes the phrase, "PUBLIC SERVICE" at the top of the ad. It would appear that the change in the third advertisement was an attempt to conform to the Board Of Medical Examiners objection to the offer of a "\$5.00 charge" in advertising.

Finally, the Board objects to the utilization of the words "Rehabilitation Center" contained in the applicant's trade name.

The Board further objects to the utilization of the word "Rehabilitation" even if it were to modify the word "Chiropractic" and the word "and" were to be deleted.

While Dr. Phillips denies that she intended to present any misleading statements in her advertisements or name and does not believe that she did so, she recognizes the Board's concerns in this area and for the purposes for amicable settlement of this matter agrees to modify her advertisements so as to avoid repetition of the above. In light of her constructive intention, in consideration of the fact that the second and third advertisements are largely duplicative of each other, in further consideration that the Board has now withdrawn its objection to the "\$5.00 charge";

IT IS on this 12th day of September, 1984,

ORDERED that Dr. Phillips is directed to discontinue the above-referenced advertising wording. Further, she shall notify the Board within 90 days of the entry of this Order that she has modified her trade name or professional corporate name, (as the case may be), to delete the clause, "Rehabilitation Center" and shall submit assurances to the Board of the correction of all advertising in accordance with this Consent Order, including stationery, business cards, outdoor sign, etc. Dr. Phillips shall notify the appropriate companies concerning telephone directory advertising which shall be changed for the next tele-

phone additions. She is assessed a penalty of \$500.00 payable to the New Jersey State Board of Medical Examiners within ten days of the entry of this Order.

STATE BOARD OF MEDICAL EXAMINERS

By: Edmund C. Gahn MD

I consent to the terms and entry of the within Order.

Arlene Phillips, D.C.
ARLENE PHILLIPS, D.C.

LEFKOWITZ, ROCKOFF & ZUBLATT, P.A.
Attorneys for Arlene Phillips

By: Alan B. Zublatt
ALAN B. ZUBLATT, ESQ.

Date: August 31, 1984